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March 25, 2022

VIA ECF and Email to ALCarterNYSDChambers@NYSD.uscourts.gov

Honorable Andrew L. Carter, Jr., U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, New York 10007

MEMO ENDORSED

Re: Jujamcyn Theaters, LLC v. Federal Insurance Company, et al.
Civil Action No. 1:20-CV-6781(ALC)

Dear Judge Carter:

Along with the law firm of Mound Cotton Wollan & Greengrass LLP, we represent defendants Federal Insurance Company and Pacific Indemnity Company in the above-referenced matter. In accordance with Your Honor's Order dated March 21, 2022, we have met and conferred with counsel for Plaintiff Jujamcyn Theaters, LLC and respectfully submit this joint letter.

The Court presented the parties with the option to "re-file their original motions or file new motions incorporating 10012 Holdings[.]" The insurers believe that the most appropriate course of action is to file new Motions for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c), which incorporate the decision by the Second Circuit in *10012 Holdings, Inc. v. Sentinel Ins. Co., Ltd.*, 21 F. 4th 216 (2d Cir. 2021). Jujamcyn believes that re-filing the original Motions incorporating *10012 Holdings* is the most appropriate course of action but is amendable to filing a new motion.

The parties have agreed to the following proposed briefing schedule:

Friday, April 29 – Simultaneous Exchange of Opening Briefs
Wednesday, May 25 – Simultaneous Exchange of Opposition Briefs
Wednesday, June 15 – Simultaneous Exchange of Reply Briefs

If the foregoing meets with Your Honor's approval, the parties do not believe a conference is necessary at this time.

Clyde & Co US LLP is a Delaware limited liability partnership with offices in Atlanta, Chicago, Denver, Las Vegas, Los Angeles, Miami, New Jersey, New York, Orange County, Phoenix, San Francisco and Washington D.C.
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Honorable Andrew L. Carter, Jr., U.S.D.J.
March 25, 2022
Page 2

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We thank Your Honor for consideration of this matter.

Respectfully submitted,

CLYDE & CO US LLP

s/ Daren S. McNally

DAREN S. MCNALLY

cc: All Counsel of Record (via ECF)

**The Court approves the proposed
briefing schedule. Accordingly,
the Clerk of Court is respectfully
directed to terminate the motions
at ECF Nos. 37 and 39.**

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

4/1/22